

OGC 79-02733  
20 March 1979

MEMORANDUM FOR: Chief, Regulations Control Branch  
Information Systems Analysis Staff

FROM :   
Office of General Counsel

SUBJECT : Executive Order 12065: Proposed Revision  
of  (Challenges and Sanctions)

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1. You have requested comments from this Office regarding proposed revisions to . In particular ISAS has prepared language regarding SANCTIONS and CHALLENGES TO CLASSIFICATION that were not completed when  was initially drafted.

2. At Tab A is my attempt to redraft the SANCTIONS chapter in a way that I believe more clearly sets forth the evils that the handbook is intended to address. My approach essentially categorizes those evils as administrative violations, classification abuses, and unauthorized disclosures, and establishes definite penalties for each. As that tab represents a draft effort, I believe it would be useful to discuss my approach at a time of your convenience.

3. At Tab B is a mark-up of the CHALLENGES chapter. My points are essentially three. First, it may be useful to refer to "documents" rather than "information" when setting the framework for a challenge to a classification decision so as to provide a tangible and easily manageable starting point for the employee. As a practical matter, anyway, I presume the challenges will be addressed to particular pieces of paper, or documents.

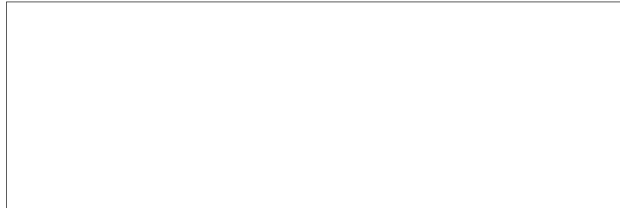
4. Second, in order to encourage challenges by ensuring the anonymity of the challenger, the handbook should permit a challenge to be presented thru the Agency Security Classification Officer, or some other neutral officer. An employee who believes his supervisor will resent a challenge to his prior classification decision should be able to seek an alternative forum.

5. Third, the time limits for appeals should be reduced to ten days from thirty, except as to the thirty-day period allowed the DDCI under subparagraph (h). A speedy "trial" is essential to the effective utilization of this provision. If, however, at a later date this ten-day period proves inadequate, an increase to that period can be proposed.

6. It may be useful to hold a brief meeting to discuss both the proposed drafts together. I am, of course, available to assist as necessary. Thus, if you have any questions or comments, please contact me at extension

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Attachment

cc: Chief, Information Systems ✓  
Analysis Staff

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